IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 6TH NOVEMBER 2007 / 15TH KARTHIKA 1929

WP(C).No. 32950 of 2007(V)

PETITIONER:

KERALA GOVERNMENT PUBLIC HEALTH NURSES & SUPERVISOR'S ASSOCIATION, REPRESENTED THROUGH ITS GENERAL SECRETARY, SMT.M.ROSAMMA, TRINITY HOUSE, NEDUMPAIKULAM, KUNDARA P.O., KOLLAM, PIN-690 501.

BY ADV. SRI.R.MURALEEDHARAN PILLAI
SRI.P.V.LONACHAN
SRI.J.MADHUSOODANAN PILLAI
SRI.P.G.PRESANNAKUMAR

RESPONDENTS:

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1. B. SUSHAMA,
SHAHA NIVAS, ARAMTHANAM, NAMANAPURAM P.O.,
THIRUVANANTHAPURAM DISTRICT.

2. N. VIJAYAMMA,
PUTHENPARAMBIL HOUSE, ARIYANNUR P.O., THRISSUR.

3. THE SECRETARY & ARD,
GOVERNMENT OF KERALA, SECRETARIAT,
THIRUVANANTHAPURAM.

4. SECRETARY,
H & T WELFARE DEPARTMENT, GOVERNMENT OF KERALA,
SECRETARIAT, THIRUVANANTHAPURAM.

5. DIRECTOR OF HEALTH SERVICE,
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.

R3 TO 5 BY G.P. SRI.I.V.PROMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/11/2007, THE COURT ON 06/11/2007 DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No.32950 of 2007

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Dated this the 6th day of November, 2007.

JUDGMENT

The prayers sought for in this W.P. are to direct respondents 1 and 2 not to convene the State Conference of an Association as proposed in Ext.P14, to declare that they are not entitled to represent the petitioner-Association and that any act done by them under the guise of the Association is null and void. The petitioner also seeks a declaration that the aforesaid respondents have no right to represent the Association.

2. Respondents 1 and 2 are two private individuals and if at all they do any act as complained of by the writ petitioner, a writ petition is not the remedy available. For any relief against respondents 1 and 2, the petitioner has to move the civil court for the reliefs. Therefore, the W.P. is not maintainable as against them.

3. In so far as the third prayer is concerned, the petitioner wants a direction to respondents 3 to 5 to consider Ext.P15. Ext.P15 representation has been made in the context of Ext.P14, a notice stated to have been issued at the instance of respondents 1 and 2, for a State Conference which is now scheduled to be held from the 10th November, 2007. In Ext.P15, the relief

sought for is that the third respondent shall prohibit the convening of the meeting to be held as proposed in Ext.P14. I do not find any legal sanction for the third respondent to issue such an order.

4. If at all the petitioner is aggrieved by any such meeting as proposed to be convened, the remedy of the petitioner is only in the civil court and not before the third respondent.

I do not find any merit in this W.P. and is dismissed.

ANTONY DOMINIC
Judge

pms